

March 14, 2019

Via Electronic Filing

Rosemary Chiavetta, Esquire
PA Public Utility Commission
Secretary
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket Nos. P-2018-3006117 and C-2018-3006116
Megan Flynn et al. v. Sunoco Pipeline, L.P.
Petition to Intervene of The County of Chester**

Dear Secretary Chiavetta:

Attached for filing is the Petition to Intervene of The County of Chester to be filed in the above-consolidated proceedings.

A copy of the Petition to Intervene has been forwarded in the manner indicated on the attached Certificate of Service.

If there are any questions, please contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/lam
Attachment

cc: The Hon. Elizabeth Barnes, Pennsylvania Public Utility Commission [w/encl.]
Thomas L. Whiteman, Esquire, Chester County Solicitor's Office [w/encl.]
Service List [w/encl.]

**Re: Docket Nos. P-2018-3006117 and C-2018-3006116
Megan Flynn et al. v. Sunoco Pipeline, L.P.
Petition to Intervene of The County of Chester**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the person(s) on the attached Service List, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Dated: March 14, 2019



Margaret A. Morris, Esquire

**Re: Docket Nos. P-2018-3006117 and C-2018-3006116
Megan Flynn et al. v. Sunoco Pipeline, L.P.
Petition to Intervene of The County of Chester**

Via First Class Mail

Michael Bomstein Esquire Pinnola &
Bomstein
Suite 2126 Land Title Building 100
South Broad Street Philadelphia Pa
19110

Meghan Flynn
212 Lundgren Road Lenni
Pa 19052

Rosemary Fuller 226
Valley Road Media Pa
19063

Michael Walsh 12
Hadley Lane
Glen Mills Pa 19342

Nancy Harkins
1521 Woodland Rd
West Chester Pa 19382

Gerald McMullen 200
Hillside Drive Exton Pa
19341

Caroline Hughes 1101 Amalfi
Drive West Chester Pa 19380

Erin Mcdowell Esquire 3000
Town Center Blvd
Canonsburg Pa 15317

Leah Rotenberg Esquire
Mays Connard & Rotenberg Llp 1235
Penn Ave
Suite 202
Wyomissing Pa 19610

Melissa Haines 176
Ronald Road Aston Pa
19014

Curtis Stambaugh Assistant General
Counsel Sunoco Pipeline Lp 212 N
Third Street Suite 201 Harrisburg Pa
17101

Neil S Witkes Esquire
Robert D Fox Esquire
Diana A Silva Esquire
Manko, Gold, Katcher & Fox Llp
401 City Avenue
Vala Cynwyd Pa 19004

Thomas J Sniscak Esquire Hawke Mckean
And Sniscak Llp 100 N Tenth Street
Harrisburg Pa 17101

Rich Raiders Attorney 606
North 5th Street Reading Pa
19601

Anthony D Kanagy Esquire Post &
Schell Pc
17 N Second St 12th Fl Harrisburg
Pa 17101-1601

Stephanie M Wimer Esquire Michael L
Swindler Esquire Puc Bureau Of
Investigation And Enforcement
400 North Street
Po Box 3265
Harrisburg Pa 17105-3265

Guy Donatelli Esquire Lamb
Mcerlane Pc
24 East Market St
Box 565
West Chester Pa 19381

James Dalton
Unruh Turner Burke & Frees Po Box
515 West Chester Pa 19381

James R Flandreau
Paul Flandreau & Berger Llp
320 West Front St
Media Pa 19063

Alex John Baumler Esquire
Lamb Mcerlane Pc 24 East
Market St Box 565
West Chester Pa 19381

Vincent Matthew Pompo
Esquire
Lamb Mcerlane Pc
24 East Market St
Po Box 565
West Chester Pa 19381

Mark L Freed Esquire Curtin & Heefner
Llp Doylestown Commerce Center 2005 S
Easton Road Suite 100 Doylestown Pa
18901

Patricia Biswanger Esquire Patricia
Biswanger
217 North Monroe Street Media Pa
19063

James Byrne Esquire
Mcnichol Byrne & Matlawski Pc
1223 N Providence Rd
Media Pa 19063

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Meghan Flynn, Rosemary Fuller,	:	
Michael Walsh, Nancy Harkins,	:	
Gerald McMullen, Caroline Hughes,	:	
and Melissa Haines	:	
	:	Docket No. P-2018-3006117
v.	:	Docket No. C-2018-3006116
	:	
Sunoco Pipeline, L.P.	:	

PETITION TO INTERVENE OF THE COUNTY OF CHESTER

The County of Chester (Chester County or Petitioner), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code Section 5.71 *et seq.*, hereby files this Petition to Intervene in the above-captioned consolidated proceedings. In support of its intervention, Chester County represents as follows.

I. Introduction

1. Petitioner is The County of Chester with its principal office located at 313 West Market Street, West Chester, PA 19380.

2. Petitioner is represented by the following attorney whose contact information is:

Margaret A. Morris, Esquire (authorized to receive service)
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524 (voice)
(215) 495-6600 (fax)
mmorris@regerlaw.com

Counsel for Chester County is authorized to accept service on its behalf. Chester County requests that the Commission and all parties of record serve copies of all documents (including but not limited to correspondence, discovery requests and answers, Commission orders, pleadings and testimony) electronically on its counsel of record as well as by hard copy.

3. On or about November 19, 2018, Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes and Melissa Haines, (collectively, “Complainants”) filed a Formal Complaint alleging, *inter alia*, Mariner East 1 (ME1), owned and operated by Sunoco Pipeline L.P., a/k/a Energy Transfers Partners (Sunoco), is being operated and the workaround pipeline is being operated without an adequate emergency notification system or legally adequate emergency management plan and that, as a result, the Complainants are at imminent risks of catastrophic and irreparable loss, including loss of life, serious injury to life and damage to their homes and property. The Complainants contend that Sunoco’s actions constitute unreasonable, unsafe, inadequate and insufficient service which violates Section 1501 of the Pennsylvania Public Utility Code (Code).¹

4. The Complainants filed an Amended Complaint on November 19, 2018, alleging, *inter alia*, the highly volatile liquids (HVL) pipeline mishaps that have occurred, together with data collected by the Commission’s Bureau of Investigation and Enforcement, strongly suggest that Sunoco’s integrity management program is not functioning in compliance with applicable law and that the valve sites for HVL pipelines are particularly high-risk areas.

5. On January 7, 2019, Sunoco filed its Answer to the Amended Complaint denying the material allegations.

6. On January 10, 2019, Sunoco filed its Preliminary Objection to the Amended Complaint.

¹ 66 Pa.C.S. § 1501.

7. The Honorable Elizabeth H. Barnes, who is presiding over the consolidated proceedings, issued the Second Prehearing Order on March 12, 2019 wherein, *inter alia*, she granted the petitions to intervene filed by Delaware County and several townships where the Sunoco facilities traverse.

II. Chester County's Interest in Proceedings

8. The Petitioner is the County of Chester, Pennsylvania, a third Class County, which is approximately 759 square miles, with an approximate population of more than 500,000 citizens.

9. ME1, ME2 and ME2X cross Chester County and specifically lie beneath property owned by Chester County.

10. Chester County and its residents are directly affected by ME1, ME2 and ME2X pipelines, particularly as it relates to safety and public safety.

III. Grounds for Chester County's Intervention

11. The eligibility to intervene is governed by Section 5.72 of the Commission's regulations. 52 Pa. Code § 5.72.

12. Sunoco is required under the Code to maintain safe and reasonable facilities. 66 Pa.C.S. § 1501.

13. Sunoco's facilities traverse Chester County and are in close proximity to residential dwellings, and various public assembly areas, such as a school. Specifically, Sunoco's facilities lie directly under Chester County property where the Library is located. The allegation of lack of adequate emergency planning and public awareness directly affects the ability of Chester County to monitor and implement an Emergency Evacuation Plan.

14. Chester County will be irreparably harmed if Sunoco does not ensure the safety and reasonableness of its facilities located in Chester County.

15. Chester County has a direct and substantial interest in the instant proceeding which is not (and cannot) be adequately represented by any other party. Therefore, Chester County satisfies the Commission's standards for intervention. 52 Pa. Code § 5.72(a)(2).

16. Chester County takes the case as it currently stands and its participation will not broaden the scope of the proceedings.

17. A grant of Chester County's Petition is consistent with ruling on the various petitions to intervene other affected townships and Delaware County.

WHEREFORE, The County of Chester requests that the Commission grant its Petition to Intervene and authorize its intervention and participation in the consolidated proceedings as a full and active party.

Respectfully submitted,



Margaret A. Morris, Esquire
Attorney I.D. # 75048
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524 (voice)
(215) 495-6600 (fax)
mmorris@regerlaw.com

Counsel for The County of Chester

Dated: March 14, 2019